

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2002**

Agenda Item No. 7

CONSENT:

REGULAR: **Work Session**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION: **X**

ITEM TITLE: **Special Events**

RECOMMENDATION: Discuss key issues related to policy governing the coordination and management of special events.

SUMMARY:

In preparing policy to guide the issuance of a special event permit, key issues have been identified that require additional discussion with City Council. These issues include budget philosophy, definitions, beer and wine garden management, public safety, security deposits, revenue sharing, and exclusivity. These issues are discussed in the attached memo and draft special event policy.

PRIOR ACTION(S):

Work session, May 25, 2002

BUDGET IMPACT: Undetermined

CONTACT(S): Kay Frazier, 847-1640 ext 128
Larry Landolt, 847-1640 ext 125

ATTACHMENT(S)

Memo regarding special events, June 20, 2002
Draft Special Events Policy
Summary of events and costs, 2001 and 2002

REVIEWED BY:



MEMORANDUM

TO: Kimball Payne, City Manager

FROM: Kay L. Frazier, Director of Parks and Recreation *KLF*

DATE: June 20, 2002

RE: Draft Special Event Policy

Attached is the draft policy to govern the coordination and management of special events on City properties. Before adoption of this policy, there are key issues worthy of discussion. These key issues reflect the establishment of new policy, changes in practices, or define controversial policy.

Economic/Budget Issues

Today, the City's philosophy towards special events is that event organizers must pay the cost of City services. Staff recommends reconsideration of this policy and suggests a two-fold funding strategy.

First, there are events that historically are the "mainstay" for the City. These events are highly recognized for their longevity, proven success, cultural and/or entertainment value, viability of the sponsoring organization, and positive economic impact on the City. These events include "The Virginia Ten Mile?", "Day in the Park", "The Bateau/River of Time Festival", "Friday Cheers", "National Trails Day", "The Lynchburg Symphony Concert at The Merritt Hutchinson Stadium" and "The Christmas Parade". These events are recommended for designation as "City Sponsored". Such designation should be only open to events organized by non-profit groups or City agencies. If such designation is established, staff will develop a mechanism for **annual** evaluation to develop recommendations for retention or additions to the "City Sponsored" designated list. It is recommended that the cost to provide City services to "City Sponsored" events be covered through the annual budget.

Second, staff recommends establishing a grant fund of \$30,000 yearly to assist other non-profit groups and City agencies to offset the cost of City services in the production of events. This grant will be funded through revenues from the hotel, amusement or meals taxes with the rationale that special events have a direct positive impact on such revenues. Briefly, the proposed rules of the grant would be as follows:

- Only Lynchburg City agencies and Lynchburg based nonprofit corporations are eligible. Each grant is limited to a maximum of \$3,000 annually. Each single event may receive funding for three years, but must apply every year.
- Funding can only be used to offset the cost of City services.
- An impartial panel will award grants.

- The events should have high value to the community in their contribution to promoting tourism and providing cultural and entertainment activities that may not otherwise be provided.
- A minimum of fifty percent of the grant monies will be used to fund events promoting the downtown area.
- All events receiving grant funding are defined as “City Sanctioned” events.

Definitions - Section II

The proposed policy clearly defines the criteria for defining a “special event”. This is important as it drives decisions requiring the completion of a special event application and permitting of such events.

Beer and Wine Garden Management - Section XIX

The policy proposes minimum requirements for the selling of beer and wine. This policy is a more flexible in comparison to the policy last reviewed by City Council at the May work session.

Public Safety

The current practice is that Lynchburg Police Department provides public safety with officers in off-duty status. Discussions are underway to determine the best policies to provide adequate security at special events.

Denial of Permit - Section IV, q

The proposed policy outlines the conditions under which the City may deny the issuance of a special events permit. This establishes new operating principles in that the City has not previously denied permits. Item 13 in this section allows the City to deny a permit due to limited resources and personnel capacity.

Security Deposit - Section IV, h

The policy allows the City to require the event organizer to prepay a portion or all of the estimated costs of City Services. This is also a new operating practice and has only been applied once in the past two years. This policy provides the City with a level of financial protection.

Revenue Sharing - Section X

The policy allows the City to enter into revenue sharing agreements with event organizers in lieu of charging for the cost of City services. Revenue sharing can serve as a motivating factor to attract certain high profile events to Lynchburg and assures that we can compete with other localities in attracting such events. The revenue sharing is optional and will usually apply to commercial special events.

Exclusivity - Section XVI

The policy allows the City to grant exclusivity to event organizers and gives a level of protection against like and competing events occurring within fifteen days of each other.

Parks and Recreation staff looks forward to discussing these issues with City Council at the June 25th work session.

Attachments:

Draft Special Event Policy
Summary of events and costs, 2001 and 2002

cc: Diana Trent, Director of Human Services

CITY OF LYNCHBURG
SPECIAL EVENT POLICY

DRAFT

I) PURPOSE

It is the purpose of this document to establish a process for permitting Special Events conducted on City streets, public property, parks or facilities. It is recognized that these Special Events enhance the Lynchburg lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services. Additionally, it is recognized that Tax-exempt Non-profit Organizations that benefit the community are central to the quality of life in Lynchburg and that they **often** develop through their Special Events the resources to provide essential services to the citizens of the City of Lynchburg. It is further intended to provide coordinated policies for the regulation of certain activities to be conducted in conjunction with Special Events, to ensure the health and safety of patrons of Special Events, to prohibit illegal activity from occurring within Special Event Venues, and to protect the rights and interests granted a Special Event Permit holder. It is further intended to create a mechanism for cost recovery and revenue sharing for Special Events without having an adverse effect on those Events that contribute economically and socially to the community. It is also the intent of the City of Lynchburg to protect the rights of its citizens to engage in protected **free** speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating Special Events that have an impact upon public facilities and services.

II) DEFINITIONS

As used in this policy:

Special Event means an activity that meets any **one** of the following definitions:

- (a) Any organized formation, parade, procession or assembly which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any Street which does not comply with normal or usual traffic regulations or controls.
- (b) Any organized assemblage anticipated to include 1,000 or more persons at any one time, at any public property, public park or facility which is to gather for a common purpose under the direction and control of a person, organization or company.
- (c) Any other organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit which involves the use of, **or** has an impact on a public property, park or facility and requires City Services beyond those conveyed in the course of normal and usual City operation.
- (d) Any other organized activity conducted by a person, organization or company that proposes to utilize any public property, park or facility in a **manner** inconsistent with the design and normal and usual function of such property, park or facility.
- (e) Any organized activity conducted by a person, organization or company on any public property, park or facility that plans to sell alcoholic beverages.
- (f) Any organized activity conducted by a person, organization or company on any public property, park or facility that plans to charge an admission fee.
- (g) Examples of Special Events include, but are not limited, to, concerts, parades, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, etc.).

“Commercial Special Event” means any Special Event organized and conducted by any person, organization or company that does not qualify as a Tax-exempt Non-profit Organization or governmental agency.

“Non-Commercial Special Event” means any Special Event organized and conducted by a person, organization or company that qualifies as a Tax-exempt Non-profit Organization.

“City Sponsored Special Event” means any Special Event directly organized and conducted by the City of Lynchburg or any Special Event organized by a **Non-Commercial Event Organizer** that the City has elected to support through appropriation of funds within the City’s budget.

“City Sanctioned Special Event” means any Special Event approved to receive funding **through** the City of Lynchburg Special Event Grant Program.

“Event Organizer” means any person, organization or **company** who conducts, managers, promotes, organizes, aids or solicits attendance at a Special Event.

“Fees” means charges to Event Organizers for City Services, **venue usage** and permits.

“City Services” means those services provided by **the City that** are required and/or necessary for event production.

“Cost Recover” means direct payment by an Event Organizer to the City in compensation for the direct costs of City Services incurred during the Special Event.

“Special Event Permit” means a permit issued by the City which authorizes the use of a public property, park or facility for a Special Event.

“Special Event Venue or Event Venue” means that area for which a Special Event Permit has been issued.

“Street” means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel.

“Tax-exempt Non-profit Organization” means an organization that is exempted from payment of income taxes by federal or state law.

“Vendor” means any Person who sells or offers to sell any goods, food, or beverages within Special Event Revenue.

“Gross Revenues” means the sum of all revenues received by an Event Organizer for a Special Event, including, but not limited to, cash receipts, licensing, sponsorships, advertising and similar revenues, and concessions.

III) DELEGATION OF CITY MANAGER’S AUTHORITY

The City Manager delegates any or all functions under this policy to the Parks & Recreation Division, unless otherwise specified.

IV) APPLICATION for PERMITS

(a) Special Event Permit Required

- 1) For any person, organization or company to conduct, promote, manage, aid, or solicit attendance at a Special Event the person, organization or company shall obtain a Special Event Permit from the City of Lynchburg.
- 2) The City is authorized to:
 - Issue permits for Special Events occurring within the city limits pursuant to the procedures established by the City.
 - Is authorized to determine the Special Event Venue.
 - Set reasonable boundaries for the Special Event Venue, balancing the Special Event requirements and public health, safety, and welfare.

(b) Exemptions to Special Event Permit Requirements

1) The following activities are exempt from the Special Event Permit requirement:

- a) funeral processions by a licensed mortuary; or,
- b) **athletic** contests and their related activities at The Merritt Hutchinson Stadium; or,
- c) Lynchburg **Hillcats** and Lynchburg Storm games, practices and or other activities; or,
- d) Private activities conducted entirely within the Lynchburg Armory.

2) Although not required to obtain a Special Event Permit, an Event Organizer of an activity exempted pursuant to Item 1 above, is required to comply with all regulations established by the City for the intended public property, park or facility; contract and coordinate the use of the public property, park or facility with the authorized managing City agency; and comply with regulations governing public safety or health.

(c) Application Deadlines

Any person, organization or company seeking the issuance of a Special Event Permit shall apply by filing a completed Special Event Permit **Application** with the City not less than sixty (60) calendar days, nor more than two (2) years, before the proposed Special Event date(s).

(d) Application Fee

No Special Event Permit Application shall be considered unless or until the applicant shall have paid a \$50.00 application fee. No refund of the application fee will be made unless the applicant is denied approval for a Special Event Permit or the Event Venue is altered or changed in such a manner as to make the proposed Event Venue unsuitable for the proposed event. The City is not responsible for any costs incurred by the Event Organizer if such site changes and/or alterations do occur.

(e) When Application is Deemed Fully Executed

A Special Event Permit Application is deemed fully executed when the applicant has provided all of the information required and requested on the Special Event Permit Application and the City has approved the application.

(f) Indemnification and Reimbursement Agreement

No Special Event Permit Application shall be granted unless the applicant has executed an agreement with the City, on a form prescribed by the City, in which the applicant promises and covenants to reimburse the City for any costs incurred by the City; and to indemnify the City and hold it harmless from any liability to any person resulting **from** any damage or injury occurring in the connection with the permitted Special Event caused by the action of the permittee, the Event Organizer, its officers, employees or agents or any person under their control insofar **as** permitted by law.

(g) Payment of City Services

Unless otherwise indicated by the City, the City will invoice the Event Organizer following the conclusion of the Event for the cost of City Services provided for the Event. The Event Organizer must pay all invoices within thirty (30) calendar days; thereafter applicable late fees will apply.

(h) Security Deposit

The City may require an Event Organizer to prepay, in the form of a security deposit, a portion of or all of the estimated costs of City Services for the proposed Special Event. The applicant will be notified of the Security Deposit requirement at the time of **official** response from the City to the Special Event Permit Application. A Security Deposit must be paid no later than twenty (20) calendar days prior to the start of the proposed Special Event. The City reserves the right to revoke a Special Event Permit for non-payment of a required Security Deposit. A Security Deposit may be required at the City discretion when:

- The Event Organizer has never before hosted a Special Event within the City of Lynchburg.
- The Event Organizer is not a resident of Lynchburg or does not operate a business within Lynchburg.
- The person applying as the Event Organizer is not doing so on behalf of a legal corporation.
- The City believes there may be some reason it will have difficulty being reimbursed for its costs after the Special Event.

(i) Insurance

The applicant shall procure and maintain at all times during its use of the Event Venue, insurance in such amounts and with such coverage as shall reasonably be required by the City and shall name the “City of Lynchburg it’s officers, officials, employees and agents” as an additional insured thereunder. The City of **Lynchburg** Risk Manager baaed upon the nature of the activity and the risk involved, shall determine the amounts and type of insurance required. The applicant shall provide the City with a certificate from an insurer evidencing such coverage no later than fifteen (15) calendar days prior to applicant’s use of the Event Venue. The certificate shall also provide that the insurer shall give the City reasonable advance notice of the insurer’s intent to cancel the insurance coverage provided.

(j) Permits Not Transferable

No Special Event Permit or conditional approval may be transferred.

(k) Order

Special Event Permit Applications shall be considered and processed in order of receipt by the City. The use of a particular public Event Venue or part thereof shall be allocated in order of receipt of fully executed applications accompanied by the application fee.

(l) Amendment or Revision of Application

Any amendment or revision of a Special Event Permit Application shall for purposes of determining its order of priority, relate back to the original filing date. However, the time in which the City shall grant or deny the application for the permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision. No amendment or revision of a Special Event Permit Application, except those related solely to minor venue layout changes or other minor event logistics, will be accepted within sixty (60) calendar days from the start of the proposed Special Event.

(m) Conditional Approval

Special Event Permit Applications which require insurance approval(s), security deposit payment or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a conditional approval will be issued. If, within the time prescribed by the City, any required fee or security deposit is not paid, or an insurance certificate evidencing the requisite insurance is not filed with the City, or approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the conditional approval will automatically expire, the application for permit will be deemed denied. In such instances, the City will make no refund of the application fee.

(n) Special Event Permit Application Review

All Special Event Permit Applications are subject to review by the City. Event Organizers may be requested to meet with City representatives to review event plans, layout and all other event logistics prior to the official decision and notification of approval or denial of the Event's application.

(o) Written Notice of Approval or Denial

Applicant will be notified within thirty (30) calendar days of the date on which a Special Event Permit application is fully completed and filed with the City of approval or denial. However, the City may extend the period of review for an additional fifteen (15) days by issuance of a written notice of extension.

(p) Notice of Extended Review or Denial of Permit

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by United States mail to the name and address set forth on the application for permit.

(q) Contents of Notice; Grounds for Denial

Notice of denial of a Special Event Permit Application shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the City for measures by which the applicant may supply additional information or amend their original application to accommodate permit approval. Where a permit has been denied because a fully executed prior application for the same time and/or venue has been received, and a permit has been or will be granted, the City shall propose an alternative venue, if available for the same time, or an alternative time, if available for the same venue.

To the extent permitted by law, the City may deny a Special Event Permit Application if the applicant or the person on whose behalf the application was made has on a prior occasion made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of a prior Special Event Permit issued on behalf of the applicant. The City may also deny an application for Special Event Permit on any of the following grounds:

- 1) An application (including required attachments and submissions) is not fully completed.
- 2) An applicant has not tendered the required application fee or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the deadlines prescribed by the City.
- 3) An application contains a material falsehood or misrepresentation.
- 4) An applicant is legally incompetent to contract or to sue and be sued.
- 5) An applicant or person on whose behalf the application was made has on prior occasion damaged a public property, park or facility and has not paid in full for such damage, or has other outstanding and unpaid debts to the City.
- 6) A Special Event Permit Application for the same time and venue has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular public property.
- 7) The use or activity intended by the applicant would violate the terms of the City's Special Event Exclusivity granted a prior applicant that has been or will be granted approval.
- 8) The applicant requests use of an Event Venue that is unavailable based on the City's Right of First Refusal policy.
- 9) The proposed use or activity would conflict with previously planned programs, projects, activities or events organized and conducted by the City.
- 10) The proposed use or activity is prohibited by or unsuitable for the uses of the Event Venue.
- 11) The proposed use or activity would present an unreasonable danger to the health or safety of the applicant, or other users of the public property, park or facility, of City personnel, or of the public.
- 12) An applicant has not complied or cannot comply with applicable licensure requirements, fees, taxes, ordinances or regulations of the City.

- 13) The proposed use or activity is prohibited by law, by City Code or ordinance, or by the regulations of the venue's governing public agency.
- 14) Due to limited resources and personnel capacity, the City is not able to provide the required or requested resources and/or personnel for the proposed Special Event, or has committed those resources and/or personnel within a similar time frame to a prior applicant.
- 15) The proposed **use** or activity will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
- 16) The proposed use or activity would cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility.
- 17) The proposed use or activity will have unmitigatable adverse impact upon residential or business access and **traffic** circulation in the vicinity of the Event Venue.
- 18) An applicant has not provided sufficient off-site parking or shuttle service, or both, required to minimize any substantial adverse impacts on general parking and **traffic** circulation in the vicinity of the event.

(r) Written Estimate of City Services Costs

Within forty **five** (45) calendar days of the date on which a Special Event Permit Application is fully completed and filed with the City, the Event Organizer will be provided an estimate of the costs of City Services and **an** outline of the scope of those City Services to be scheduled and employed at the event. The estimated cost of City Services will be based on information provided by the Event Organizer and the best estimates of City staff. The actual costs may vary based on unforeseen factors prior to and during the event and/or changes and deviations from the information within the original Special Event Permit Application.

V) PROCEDURES FOR REVIEW

(a) Review by City

- 1) A denied Special Event Permit Application may within seven (7) calendar days of notification of such determination, file a written appeal with the City.
- 2) The City shall have seven (7) calendar days from the date on which the appeal was received in which to notify the applicant that the appeal has been affirmed, modified or reversed.
- 3) Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or sent by United States mail to the name and address set forth on the application permit.

(b) Form of Appeal

Any appeal filed pursuant to this policy shall state succinctly the grounds upon which it is asserted that the determination should be modified or **reversed** and shall be accompanied by copies of the Special Event Permit Application, the written notice of the determination of the original application or request, and any other papers or documentation material to the determination.

VI) ISSUANCE OF CITY SERVICES FOR SPECIAL EVENTS

- (a) The City may provide services for a Commercial or Non-Commercial Special Event, if provisions are made with the Event Organizer for Cost Recovery or Revenue Sharing, or both.
- (b) The City may provide services for a City-Sanctioned Special Event. Such support will be in the form of relief from all or a portion of City Services costs. An Event is granted City Sanctioned status only when approved by the City of Lynchburg Special Event Grant Program.
- (c) The City may provide services in direct support of a City Sponsored Special Event, if the funds to offset City Services cost is within budget **limitations** of the City and if the City Manager finds that a public purpose will be served.

VII) USE OF CITY SEAL OR NAME

Prior authorization from the City is required for an Event Organizer to use the words, "The City of Lynchburg" or "City of Lynchburg" or a facsimile of the seal of the City of Lynchburg, in the title of a Special Event.

VIII) REVOCATION OF SPECIAL EVENT PERMIT

- (a) A Special Event Permit may be revoked if the City determines:
 - An Event cannot be conducted without violating the standards or conditions of the Special Event Permit.
 - An Event is being conducted in violation of any condition of the Special Event Permit.
 - An Event poses a threat to public health or safety.
 - An Event Organizer or any person associated with the Event has failed to obtain any other permit required pursuant to this policy.
 - A Special Event Permit was issued in error or contrary to law.
- (b) Except as provided in Item (c) below, notices of revocation shall be in writing and specifically set forth the reasons for such action.
- (c) If there is an emergency requiring immediate revocation of a Special Event Permit, the City may notify the permit holder verbally.
- (d) An appeal **from** a revocation shall be handled in the same manner and under the same time requirements as denials of Special Event Permit Applications.

IX) COST RECOVERY FOR SPECIAL EVENTS

- (a) The City shall charge all Special Events for the actual cost of City Services. However, the cost of City Services for City Sponsored and City Sanctioned Special Events may be fully or partially paid for by City provided funding.
- (b) Whenever a Special Event is **conducted** without a Special Event Permit when one is required, or an Event is conducted in violation of the terms of an issued Special Event Permit, the Event Organizer shall be responsible for, and the City shall charge the Event Organizer for the cost of all City Services.

X) REVENUE SHARING FOR SPECIAL EVENTS

- (a) An Event Organizer of a Commercial or Non-Commercial Special Events may pay the City a negotiated percentage of Gross Revenues, a flat fee, a combination of percentage of Gross Revenues and a flat fee, or any other revenue sharing agreement the City Manager deems to be in the best interests of the City.
- (b) Cost Recovery under Section IX above, shall not be required of a Commercial or **Non-Commercial** Special Events where payment for such services has been negotiated by the City Manger within a Revenue Sharing agreement with the City.
- (c) The City Manager shall retain the right to determine when the City elects to enter into a Revenue Sharing agreement with a Special Event.
- (d) To apply for a Revenue Sharing agreement with the City, an Event Organizer must indicate this on their Special Event Permit Application, and subsequently provide all requested information pertaining to the event and organization.
- (e) All applicable deadlines related to submitting a Special Event Permit Application, City notification and response to applications (see Section IV) are extended by thirty (30) calendar days for Special Events applying for a Revenue Sharing agreement.
- (f) An Event Organizer of a Special Event who has entered into a Revenue Sharing agreement with the City shall make payment and provide a final financial statement audited by a certified public accountant to the City no later than thirty (30) calendar days after the Event for the fees and revenues to be paid to the City.

XI) EFFECT OF RECEIPT OF DONATIONS ON STATUS OF TAX-EXEMPT NON-PROFIT ORGANIZATIONS

A Tax Exempt Non-profit Organization sponsoring a Non-Commercial Special Event may acknowledge the receipt of cash or m-kind services or goods, donations, prizes or other consideration **from** for-profit organizations without causing the Event to be considered a Commercial Special Event. Such acknowledgment may include use of the name, trademark service mark or logo of such a for-profit organization in the name or title of the Event or the prominent appearance of the same in advertising or on collateral material associated with the Event.

XII) CITY AUTHORIZED TO ADOPT RULES AND REGULATIONS

The City is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth by the City and the provisions of law that pertain to the conduct and operation of Special Events.

XIII) ENFORCEMENT AUTHORITY

The City is authorized to administer and enforce the provisions of this policy. City personnel may exercise any enforcement powers as set forth and permitted by law.

XIV) OTHER PERMITS AND LICENSES

- (a) The issuance of a Special Event Permit does not relieve any Event Organizer or person from the obligation to obtain any other permit or license required pursuant to City Code.
- (b) The issuance of any other permit or license issued pursuant to City Code does not relieve any Event Organizer **from** the obligation to obtain a Special Event Permit pursuant to this policy.

XV) VENUES FOR COMMERCIAL SPECIAL EVENTS

Commercial Special Events are permitted only at the following public Event Venues:

- 1) Community Market/Armory Complex; or
- 2) Jefferson Street **Riverfront** area; or
- 3) The Merritt Hutchinson Stadium

XVI) SPECIAL EVENT EXCLUSIVITY

The City will provide exclusivity to each Event Organizer that is granted a Special Event Permit. This exclusivity will provide sole use of the special event venue on the approved dates as outlined in the approved Special Event Permit. Furthermore, no other similar Special Event will be approved on same event venue for 15 days prior to the start of the approved initial Event, or for 15 days after the last day of the approved Event. Similar Special Events are considered to be events that contain nearly identical themes, activities and/or programs to such a degree that the public would likely confuse the two events and that the hosting of the two events would likely reduce the attendance and/or participation of the initial Special Event. The City reserves the right to determine when this exclusivity should be enacted and applied.

XVII) SPECIAL EVENT RIGHT OF FIRST REFUSAL

An Event Organizer will be granted the **first** option for the same or similar date (e.g. third Saturday in a specific month) during the following year for hosting a similar Event.

- 1) This right of first refusal will expire sixty (60) **from** the conclusion of the initial Special Event; and,
- 2) Is not transferable to another Event Organizer.

XVIII) CITY OF LYNCHBURG SPECIAL EVENT GRANT PROGRAM

Under development

XIX) ALCOHOLIC BEVERAGES AT SPECIAL EVENTS

The following guidelines are for all Special Events that include serving of alcoholic beverages. The purpose of this policy is to:

- Ensure public safety
 - Prevent under-age possession of alcohol
 - Prevent under-age consumption
 - Ensure adequate observation to help prevent intoxication
 - Ensure compliance with Virginia Alcohol Beverage Control regulations
- 1) Serving and consumption of beer and/or wine only, is permitted at Special Events held on the following City-owned Event Venues
 - a) Community **Market/Armory** complex
 - b) Jefferson Street Riverfront Festival site (1000-1014 Jefferson Street)
 - c) The Merritt Hutchinson Stadium complex
 - 2) Any Special Event held on City property serving beer and/or wine shall have a defined area for serving and consuming beer and/or wine. This defined area, referred to as a Beer/Wine Garden, may include a portion of or the entire Event Venue.
 - 3) The Event Organizer must obtain the appropriate license from the Virginia Department of Alcohol Beverage Control.
 - 4) All Beer/Wine Gardens will have City of Lynchburg law enforcement officers present during the serving and consuming of beer and/or wine. The City will determine the number of City law enforcement personnel.
 - 5) The City authorizes Lynch's Lauding, Inc. to conduct on its behalf, Alcohol Beverage Control training seminars on a "**as** requested" or "regularly scheduled" basis for all Special Event Organizers planning to sell beer and/or wine at an event. This training is mandatory for Event Organizer and their key Event Supervisors. All beer and/or wine servicing locations must have at least one trained Event Supervisor present during the sale and serving of beer and/or wine.
 - 6) All Special Events approved to sell beer and/or wine must provide, prior to the Event, training for the **frontline** event staff and volunteers responsible for selling, servicing and the beer and/or wine.
 - 7) All event volunteers and staff members engaged in any aspect of serving beer and/or wine (which includes but is not limited to checking ID's, arm banding, ticket sales, serving and monitoring) are prohibited **from** consuming alcohol during the event. This includes any server who completes his/her **shift** and is requested to return to duty.

- 8) The Applicant of the Alcohol Beverage Control license.. or the Event Supervisor in charge, must be present at the Event Venue during the entire event. The City of Lynchburg requires that every event organizer **clearly** display the name or names of their event's Event Supervisor in the Beer/Wine Garden during the entire Event.
- 9) The Event Organizer is solely responsibility for assuring that the Beer/Wine Garden is properly supervised and that its event staff has been properly trained to serve such beverages as well as understands that it is against the law of the Commonwealth of Virginia to sell alcoholic beverages **to** anyone who is less than twenty-one years of age, to anyone that the server knows, or has reason to believe, is intoxicated, or to anyone who has been forbidden to possess alcohol by a court of competent jurisdiction. The Event Organizer is responsible for advising the servers that they could face criminal charges for serving alcohol to any above-described person,
- 10) The Event Organizer must implement a system of identification and distribution as approved by the Virginia Department of Alcohol Beverage Control which effectively controls the amount of consumption of each attendee.
- 11) Serving of beer and/or wine shall not extend beyond **11:00pm** for any Special Event.
- 12) The City of Lynchburg reserves the right to deny, cease or restrict, in any manner deemed appropriate, either prior to or during an Event the serving or **consumption** of beer and/or wine. Factors governing this decision will include:
 - . Proposed Event Venue layout & site plan
 - . Number of proposed beer and/or wine serving locations
 - . Anticipated number of event attendees
 - . Nature of the event
 - . History of the event
 - . Duration of the event
 - . The Event Organizer's ability to provide sufficient event staff
 - . Ability of the event staff to monitor and control under-age consumption
 - . Concern for public safety
 - . Evidence of non-compliance with Virginia Alcohol Beverage Control laws and license.

**2001 and 2002
Lynchburg
Special Events
City costs**

Event Venue	Event Start Date	Event Organizer	Total Cost of City Services	Police Dept. "On Duty" \$31/hr.	Police Dept. "Off Duty" \$20/hr.	Fire Dept. "On Duty" \$20/hr.	Fire Dept. "Off Duty" \$20/hr.	Building & Grounds	Other
Downtown	May 5, 2001	Sports Capital of Virginia, Inc.	\$ 937.95	\$ -	\$ 314.00	\$ -	\$ 216.00	\$ -	\$ 407.95
Rivermont Avenue	May 28, 2001	Central Virginia Kidney Association	\$ 114.00	\$ -	\$ 114.00	\$ -	\$ -	\$ -	\$ -
Percival's Island & Jefferson Street	June 2, 2001	City of Lynchburg Parks & Recreation	\$ 841.96	\$ -	\$ -	\$ -	\$ -	\$ 841.96	\$ -
Riverfront	June 7 - 10, 2001	Atlantic Rural Expedition, Inc.	\$ 16,553.13	\$ -	\$ 8,579.00	\$ -	\$ 2,400.00	\$ 931.00	\$ 4,643.13
Riverfront & Percival's	June 15 & 16, 2001	Lynch's Landing, Inc.	\$ 8,078.13	\$ -	\$ 4,243.13	\$ -	\$ 405.00	\$ 3,280.00	\$ 150.00
Riverfront	September 21, 2001	Clear Channel Communications, Inc.	\$ 6,542.00	\$ -	\$ 3,216.00	\$ -	\$ 640.00	\$ 2,086.00	\$ 600.00
Leahy Park	September 8, 2001	Junior League	\$ 1,600.00	\$ -	\$ 80.00	\$ -	\$ 432.00	\$ 288.00	\$ -
Leahy View Park	September 8, 2001	Children's Miracle Network	\$ 484.00	\$ -	\$ 276.00	\$ -	\$ 108.00	\$ -	\$ 100.00
Leahy & Rivermont Aves.	September 29, 2001	Sports Capital of Virginia, Inc.	\$ 5,707.48	\$ 4,303.48	\$ -	\$ -	\$ 648.00	\$ 180.00	\$ 576.00
Riverfront	October 27, 2001	Amazement Square	\$ 2,806.00	\$ -	\$ 1,285.00	\$ 6	\$ 300.00	\$ 1,071.00	\$ 150.00
Commerce, Main & Church Streets	December 9, 2002	Lynchburg Jaycees	\$ 2,618.35	\$ 2,418.35	\$ -	\$ -	\$ -	\$ 200.00	\$ -
Event Venue	Event Start Date	Event Organizer	Total Cost of City Services	Police Dept. "On Duty" \$31/hr.	Police Dept. "Off Duty" \$20/hr.	Fire Dept. "On Duty" \$20/hr.	Fire Dept. "Off Duty" \$20/hr.	Building & Grounds	Other
Riverfront	March 23, 2002	Bethany Baptist Church	\$ 645.00	\$ 645.00	\$ -	\$ -	\$ -	\$ -	\$ -
Community Market	May 10 - Aug. 16, 2002	Lynch's Landing, Inc.	\$ 22,750.00	\$ -	\$ 7,020.00	\$ -	\$ 2,080.00	\$ -	\$ 13,650.00
Rivermont Avenue	May 27, 2002	Central Virginia Kidney Association	\$ 186.00	\$ 186.00	\$ -	\$ -	\$ -	\$ -	\$ -
Riverfront	April 20, 2002	Clear Channel Communications, Inc.	\$ 6,282.46	\$ 4,247.00	\$ -	\$ -	\$ 780.00	\$ 1,180.46	\$ 75.00
Riverfront	April 26, 2002	Dennis Richardson	\$ 10,405.00	\$ 7,502.00	\$ -	\$ 1,260.00	\$ -	\$ 1,468.00	\$ 175.00
in Street (between 11th & 12th)	April 27, 2002	Lynch's Landing, Inc.	\$ 790.50	\$ 790.50	\$ -	\$ -	\$ -	\$ -	\$ -
Percival's Island & Jefferson Street	June 1, 2002	City of Lynchburg Parks & Recreation	\$ 1,146.00	\$ 186.00	\$ -	\$ 160.00	\$ -	\$ -	\$ 800.00
Riverfront & Percival's	June 14, 2002	Lynch's Landing	\$ 7,275.52	\$ 5,208.00	\$ -	\$ 600.00	\$ -	\$ 1,267.00	\$ 200.52
Leahy Park	June 22, 2002	American Red Cross - Lynchburg	\$ 1,964.00	\$ 1,550.00	\$ -	\$ -	\$ -	\$ 364.00	\$ 50.00
Riverfront	June 20 - 23, 2002	Deggler Attractions, Inc.	\$ 17,313.64	\$ 12,524.00	\$ -	\$ 3,000.00	\$ -	\$ 912.00	\$ 877.64
Riverfront	August 16, 2002	Lynch's Landing, Inc.							
Riverfront	September 7, 2002	Academy of Music							
Leahy Stadium	September 11, 2002	BWXT & WSET							
Leahy Park	September 14, 2002	Junior League							
Riverfront	September 20, 2002	Clear Channel Communications, Inc.							
Leahy & Rivermont Aves.	September 28, 2002	Sports Capital of Virginia, Inc.							
Riverfront	October 5, 2002	Amazement Square							
Downtown	December, 2002	Lynchburg Jaycees							

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